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SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER	
RENDON, CHRISTIAN E	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,382	ROTHSCHILD ET AL.	
	Examiner	Art Unit	
	CHRISTIAN E. RENDÓN	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,10,11,15-19,21,24-29,33 and 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 10-11, 15-19, 21, 24-29 & 33-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to the amendment filed 12/29/08 in which applicant has amended claims 1-2, 4, 15-17, 19, 24-25, 27; responded to the claim rejections. Claims 1-6, 10-11, 15-19, 21, 24-29 & 33-34 are still pending.

Claim Rejections - 35 USC § 112

Claims 2, 4, 17, 19, 25 and 27 contains the trademark/trade name PLAYSTATION® 2 and Microsoft XBOX®. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe an "off the shelf" gaming device and, accordingly, the identification/description is indefinite since the game systems are adapted with no explanation as to how. In other words, which parts of the PlayStation/XBOX are used to create the claimed invention?

Claim Rejections - 35 USC § 103

Claims 1, 3-6, 10-11, 15-16, 18-19, 21, 24, 26-29 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the IGN Staff (Xbox Specs) as evidence by Xbox.com (Xbox LAN Parties: Using System Link) in view of one of ordinary skill.

The applicant's terms are understood as the following:

- first/second output media = 1st/2nd player's perspective
- gaming control unit = interface for four controllers

- media control unit = video game console

1. In October of 2001 the public was informed of the specifications and capabilities of the newly anticapted Microsoft XBOX (IGN Staff). The prior art discloses that the Xbox will contain broadband capabilities and the release of the "system link cable," "a cable for connecting two consoles for 8 player gameplay" (IGN Staff). This capability is referred to a "LAN Party" which requires two TVs or displays, two consoles each with its own copy of the game, a "system link cable" (Xbox.com) and one controller for every player. There are several past gaming systems that have also included this feature, "LAN Parties" into their system under different names: "iLink" for the Sony PlayStation 2 (PS2), "DirectLink" for the Sega Saturn, "Game Link" for the Nintendo Gameboy (GB), GB Color, and GB Advance. The functionality of "LAN Party" is included in several games of different genres: Halo, MotoGP, ESPN NFL Football; which allows for player to separately explore a game world at their own pace (Halo), have a full view of the race track (MotoGP) or play a game of football from their own perceptive (ESPN NFL Football).

2. The nature of video games is to provide an interactive experience through multiple forms of media: video in the form of game images and cinematic scenes, audio through regular TV speaker or a 5.1 Dolby surround sound system, feedback signals or "Rumble Feature" to a player's controller. These various types of media are initiated differently by a game but in general cinematic scenes are triggered by the player reaching a certain point in the game's plot and are used as a means to further explore the main story or a side story. The scenes of a side story are considered a bonus or treat since it further enriches the story but it is not necessary to understand the main plot. Furthermore, these side story scenes include audio: songs, sound effects and spoken conversations that is only accessible to a player through these scenes. Trigger events can also produce feedback signals to represent the player taking damage from a bullet (Halo), crashing (MotoGP) or receiving a hit (ESPN

NFL Football); which are features that are viewed as an extra or a bonus since the user is allowed to activate turn during the duration of a game at their leisure.

3. Regarding claims 1, 5, 10 and 24, the method claims of the current application are rejected in light of the background information stated above. A **media** or game present in two XBOX consoles connected through a LAN connection is able to present **portions of the game** to both **displays** coupled to their respective consoles. The Xbox contains four controller ports **housed in the gaming device** (IGN Staff) for accessories and controllers, therefore containing an interface or a '**gaming control unit**' allowing each player to **perform operations that will determine several outcomes** or a **game state** such as **controlling the presentation of a game** through the controller. In other words, the interface **transmits presentation requests** to the proper **media control unit**; allowing for the signals to be interrupted into the selected **first/second output media** or the player's perspective in association with a **portion of the game**. Therefore the first player is able to influence the game from their perspective causing the console to present a change to the first or second player. A classic example is 1st player sniping the 2nd player from a dark corner on the 2nd floor (**first media output content**); the 1st player sees only their target while the 2nd player sees only their target, the 3rd player (**second media output content**) before suddenly dying from a head shot fired from an unknown assassin. This example illustrates the ability the prior art has to provide **first media output content that is different from the second media output content**.

4. The Office would like to state that video games based on poker or casino games are well known in art since the days of the original Nintendo Entertainment System (NES) with Casino Kid, Poker Mahjong and Peek-A-Boo Poker. It would have been obvious to one having ordinary skill in the art of video games to have created a video game based on poker or a casino since each new iteration is prettier or flashier than the previous one but essentially the same game therefore carrying little patentable weight. In addition, the Examiner views **housing the primary display** in the same

structure as the gaming device, media control unit, gaming control unit and any other related devices as also carries little patentable weight. Arcade machines have been well know in the art since PONG was introduced back in 1972.

5. Regarding claims 3, 18 and 26, the prior art is silent on the subject of using the system to play any form of casino games. The Office views 'monetary value' as an object relating to money, as defined by the online Compact Oxford English dictionary. Therefore the virtual money within a casino video game is viewed as having a monetary value within the game since it fulfills the same function as real world money. As stated above, it would have been obvious to one of ordinary skill in the art of gaming to create a gambling/**slot machine** game for the PS2 and Xbox. It is the nature of the video game industry to create a variety of games for different audiences and creating a casino game for people who like to gamble with fantasy money is no different. Hence the reason why older game systems like the Super Nintendo, Genesis, etc have casino games: Super Caesar's Palace and 777 Casino. However if applicant wishes to argue the limitations of monetary value, the applicant should respectfully consider the art combination of an XBOX with a coin slot and dispenser. In other words, slot machines that include microprocessors to accomplish certain tasks have been around for several years now therefore are considered well known in the art.

6. Regarding claims 4, 19 and 27, contains the limitation of using an Xbox as the adapted video game system. A limitation that is met by the disclosed prior art.

7. Regarding claims 6, 28-29 & 33, the prior art is silent about **re-transmitting a signal when an acknowledgement is not received**. It is well known in the art of computer system to retransmit the signal when an acknowledgement is not received in order to complete the Handshaking protocol.

8. Regarding claims 11 and 34, all of the said **media is stored** somewhere and in some form in the memory hierarchy of the gaming system: cache, RAM, flash card, Hard Drive, DVD-ROM.

9. Regarding claims 15-16, the limitations are similar to claim 1 therefore this claim is rejected under the same logic. A multiplayer XBOX game with "LAN Party" functionality is able to present different portion of a game as output media to multiple displays. In other words, the **game state causes the transmission of media presentation requests** to the proper console or **media control unit** for displaying video. Each controller interface or **game control unit** allows for a maximum of four input devices per console. Furthermore, the art combination of an XBOX wagering game with "LAN Party" capabilities would include the displaying of a **bonus state** since bonus games are a well known feature in the art of gambling.

10. Regarding claim 21, **video animation** is inherent to video games.

Claims 2, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giancarlo Varanini ("TimeSplitters 2 to support system link") as evidence by Alexander Lee ("iLink setup FAQ").

11. The above description of "LAN Parties" disclosed by the IGN Staff as evidence by Xbox.com & the limitations they pertain is considered within this art rejection as well. Since the setup and capabilities of this feature are the same for the PS2 which are explained by Lee. Varanini discloses a game called "TimeSplitters 2" capable of utilizing the "LAN Party" feature on an Xbox (System Link) and the PS2 (iLink). Therefore this art combination reads on these claim limitations as well as the claims they depend too. Furthermore it is well known in the art of gaming that a cinematic scene is a form of **video animation**.

Claim Rejections - 35 USC § 102

Claims 1, 3, 5-6, 10-11, 15-16, 18, 21, 24, 26, 28-29 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoyle Casino on Game Boy Color (http://gameboy.ign.com/articles/164/164559p1.html).

12. The Office firmly believes the claim limitations have been addressed with the rejection provided above. However if applicant wishes to argue that the wagering limitation of these claims are sufficient then applicant should respectfully consider the following reference. The game Hoyle Casino offers the ability for two people each with their own GB Color system, to play a multiple player casino game through a 'game link' cable (Hoyle Casino: Features). Therefore the LAN network created by the 'game link' cable has two **media control units** or GB Color Systems, two **displays** and a **gaming control unit** or the input interface are **all housed in the same structure** allows for the receiving of inputs to control the **wagering** or Hoyle Casino **game** and cause an **outcome** to occur in the game. In other words, the game Hoyle Casino displays on each GB system or **first and second output media** regarding their respective portion of the game or first and second player perspectives. Furthermore, each GB system containing a set of user input devices or buttons that allow for input to be received exclusively. Finally all other limitations not referred here were discussed above are applicable to this prior art combination since the concepts are either common in the art of gaming and/or electrical engineering.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dimtry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/CHRISTIAN E RENDÓN/
Examiner
Art Unit 3714

CER